

462

VOLUNTARY AGREEMENT

State Liquor
2159 P Street, NW
("Applicant")

and

DuPont Circle Advisory Neighborhood Commission 2B
1900 Massachusetts Ave., NW
Washington, DC 20036

Whereas, Applicant's application for re-issuance of a Retailer's Class "A" License is pending before the District of Columbia Alcoholic Beverage Control Board ("Board");

Whereas, the premises 2159 P Street, NW, are within the jurisdictional boundaries of Protestant DuPont Circle Advisory Neighborhood Commission 2B (ANC 2B);

Whereas, DuPont Circle ANC 2B is recognized by the Board as a Protestant in said case; and

Whereas, Applicant and Protestant mutually desire to resolve said protest;

Now therefore, in consideration of the mutual covenants and promises set forth below, and subject to the approval of this Agreement by the Board, the parties agree as follows, from the date of adoption of this Agreement by the Board and throughout the term thereof:

- 1) Applicant will display near a cash register at least one sign at least 9 inches by 12 inches in size, stating that there will be no sales to minors.
- 2) Applicant certifies that his employees at the premises have already completed or will complete during the term of this license a course in server training, such as Training for Intervention Procedures (TIPS), Techniques of Alcohol Management (TAM), or Responsible Vendor Server and Manager Training Program (PRIDE). Employees of the Applicant will not consume alcohol while on the premises, or be intoxicated.
- 3) Applicant will not sell to any one customer less than six bottles of alcoholic beverages in bottles containing 50 ml or less. Applicant will not sell caselots of alcoholic beverages packaged in containers of a half-pint or less.

- 4) Applicant will not facilitate the consumption of alcohol in public space. Specifically, Applicant will not provide free paper or plastic cups or "go-cups" (as defined by ABC regulations Section 709.7). Applicant will not sell cups or drinking utensils in any smaller quantities than three packaged together.
- 5) Applicant will make every reasonable effort to ensure that the environs of the Applicant's establishment are kept free of litter and debris. ("Immediate environs" is defined in Section 720.2 of the ABC regulations as including "all property on which the premises are located; all property used by the licensee to conduct its business, whether part of the premises or not, including the parking lots and the portion of alleys, sidewalks or other public property immediately adjacent to the premises or adjacent to the property used by the licensee to conduct its business.")
- 6) Applicant will make a reasonable effort to discourage the opening or consumption of alcoholic beverages in the "immediate environs" (as defined above) of Applicant's establishment.
- 7) Applicant will make a reasonable effort to discourage littering, loitering, public urination, or public defecation in the "immediate environs" (as described above) by persona who make purchases at Applicant's establishment.
- 8) Applicant specifically acknowledges its responsibility under D.C. law and ABC regulations not to sell or deliver alcoholic beverages to any person who is inebriated, or who is known to have a history of alcohol abuse, or to any person under the age of 21. Applicant also agrees to not sell alcoholic beverages to any person appearing to be mentally ill or to be mentally incapacitated.
- 9) Applicant agrees to ensure that all employees are informed of the provisions of this agreement.
- 10) Applicant acknowledges that any failure to adhere to the foregoing commitments will constitute grounds for Protestant to petition the Board for revocation of Applicant's ABC license following a Show Cause Hearing pursuant to 23 DCMR 1513.5. Protestant agrees to notify Applicant in writing of any alleged violation of this Agreement and shall afford Applicant 14 (fourteen) calendar days to correct, or begin to correct, the violation, prior to notifying the Board.

In consideration of and reliance upon, the foregoing commitments, Protestant hereby agrees to withdraw its protest to Applicant's ABC license application renewal.

This Agreement shall not preclude Protestant from exercising any other rights under the ABC statute or regulations, nor from challenging Applicant's compliance with any other District of Columbia laws or regulations not covered in this Agreement.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures:

Neal Nijhawan
for Applicant
Neal Nijhawan 7/18/95
State Liquor

H. L. Fernandez 7/17/95
for Protestant
Hon. Henry L. Fernandez
Chairman
DuPont Circle ANC 2B

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

NSA Inc.

t/a State Liquors

Application for a Retailer's

License Class "A" - renewal

at premises

2159 P Street, N.W.

Washington, D.C.

Case No. 462-95048P

Henry Fernandez, Chair, on behalf of Advisory Neighborhood Commission
2B, Protestant

Anil Nijhawan, President, on behalf of Applicant

BEFORE: MARY EVA CANDON, ESQUIRE, Chairperson
DENNIS BASS, Member
JAMES C. JEFFERSON, Member
JAMES L. O'DEA, III, ESQUIRE, Member
BARBARA L. SMITH, ESQUIRE, Member

ORDER

The application, having been protested, came before the Board for public hearing on May 17, 1995, in accordance with D.C. Code Section 25-115 (c)(5)(1992 Supp.), providing for remonstrants to be heard. Henry C. Fernandez, Chair, on behalf of the Advisory Neighborhood Commission 2B, filed a timely protest letter dated April 18, 1995.

On May 17, 1995, the opposition of Mr. Fernandez was dismissed. Mr. Fernandez failed to appear and prosecute his protest, and the Board dismissed the opposition on the basis that the protest had been abandoned. However, Mr. Fernandez provided timely written explanation for his absence by letter dated May 19, 1995. The Board accepted his explanation and reinstated the protest.

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.^{1/} Pursuant to the Agreement, the Protestant has agreed to withdraw the protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

^{1/} See Agreement dated July 18, 1995.


NSA, Inc.
t/a State Liquors
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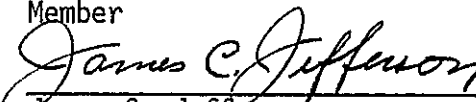
Accordingly, it is this 16th day of August, 1995, hereby ORDERED that:

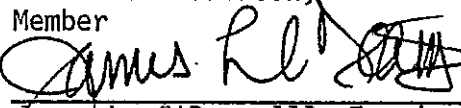
1. The protest of Henry C. Fernandez, Chair, on behalf of the Advisory Neighborhood Commission 2B, be, and the same hereby, is WITHDRAWN;
2. The above-referenced Agreement between the parties be, and the same hereby, is INCORPORATED as part of this Order;
3. The application of NSA, Inc. t/a State Liquors for a retailer's license class A at premises 2159 P Street, N.W. be, and the same hereby, is GRANTED; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

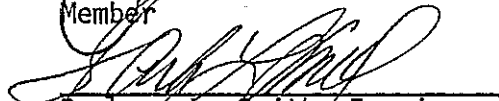
DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

Mary Eva Candon, Esquire
Chairman


Dennis Bass
Member


James C. Jefferson,
Member


James L. O'Dea, III, Esquire
Member


Barbara L. Smith, Esquire
Member

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

NSA State, Inc.
t/a State Liquors
Application for a Retailer's
License Class "A" - renewal
at premises
2159 P Street, N.W.
Washington, D.C.

Case No. 462-95048P

Henry Fernandez, Chair, on behalf of Advisory Neighborhood Commission 2B

Anil Nij Hawan, President, on behalf of Applicant

BEFORE: MARY EVA CANDON, ESQUIRE, Chairperson
DENNIS BASS, Member
JAMES C. JEFFERSON, Member
JAMES L. O'DEA, III, ESQUIRE, Member
BARBARA L. SMITH, ESQUIRE, Member

ORDER

On May 17, 1995, the Alcoholic Beverage Control Board dismissed the protest of Henry Fernandez, Chair, on behalf of the Advisory Neighborhood Commission 2B (hereinafter, "protestant"), against the application of NSA State, Inc. t/a State Liquors, 2159 P Street, N.W., for failing to appear before the Board at the roll call hearing. By letter dated May 19, 1995, Mr. Fernandez responded, pointing out that he had never received notice of the hearing.^{1/}


Having reviewed the official records and the documentation filed by the protestant, the Board has determined that an administrative error was made. Therefore, on this 14th day of June 1995, the Board hereby ORDERS that:

1/ The notice was mailed to an incorrect address.

NSA State, Inc.
t/a State Liquors
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1. The Board's decision of May 17, 1995, is VACATED;
2. The application of NSA State, Inc. t/a State Liquors for a retailer's class A license - renewal, located at 2159 P Street, N.W., will be adjudicated according to ABC laws and regulations; and
3. Copies of this Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD


Mary Eva Candon, Esquire
Chairman


Dennis Bass
Member


James C. Jefferson,
Member


James L. O'Dea, III, Esquire
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